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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,410	03/01/2004	Peter J. Kennedy	U03-0073.50	2409

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EXAMINER

TRINH, SONNY

ART UNIT PAPER NUMBER

2687

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,410	Applicant(s) KENNEDY ET AL.	
	Examiner Sonny TRINH	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-39 is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/06/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-5, 7-8, 10-13, 15-16, 18-20, 22-26** are rejected under 35 U.S.C. 102(e) as being anticipated by Enger et al. (hereinafter "Enger"; U.S. Patent Application Number 2005/0020325 A1).

Regarding **claims 1, 11**, Enger discloses a mobile device operable in both a terminal mode and an imaging mode, a method of presenting a user interface display (abstract), the method comprising:

determining an operating mode for the mobile device, wherein the operating mode can be one of at least the terminal mode and the imaging mode (such as wireless phone and camera mode [0008]); setting a display orientation for the user interface display in accordance with the operating mode, wherein the display orientation is selected from a first orientation normally associated with the terminal mode and a second orientation normally associated with the imaging mode ([0008], [0017] – [0018]);

and re-setting the display orientation to the other of the first orientation and the second orientation when the operating mode changes ([0017] – [0018], [0025]).

Regarding **claims 2, 12**, Enger further discloses that the re-setting the display orientation in accordance with a user indication to override the display orientation normally associated with the operating mode ([0021]).

Regarding **claims 3, 23-26**, Enger further discloses that the first orientation is a portrait orientation and the second orientation is a landscape orientation (claims 2, 8, 11-12, [0008], [0013], [0017] – [0018], [0021]).

Regarding **claim 4**, Enger further discloses that the setting of the display orientation and the re-setting of the display orientation comprise orientating individual display elements in a normal visual orientation for one of the portrait orientation and the landscape orientation ([0021]).

Regarding **claims 5, 13, and 16** Enger further discloses that the operating mode of the mobile device is determined by user input ([0021]).

Regarding **claims 7, 15, 18, 22**, Enger further discloses that the operating mode of the mobile device is determined by an output of an orientation sensor in the mobile device ([0021], [0041]).

Regarding **claims 8, 20**, Enger further discloses that the operating mode of the mobile device is determined by user input ([0021], program code is inherent).

Regarding **claim 10**, Enger further discloses that the operating mode of the mobile device is determined by an output of an orientation sensor in the mobile device ([0041]).

Regarding **claim 19**, Enger discloses a mobile terminal operable in both a terminal mode and an imaging mode (abstract), the mobile terminal comprising: a radio block operable to provide an interface to a wireless communication network (since this is a camera phone (see abstract, [0018], the interface to a wireless communication network is inherent)); an imaging device associated with the imaging mode (inherent in the camera); a visual display operable to present at least a portion of a user interface to a user (figures 1-2, display 108, see also descriptions); a processor to, at least in part, control the mobile terminal, the processor being operationally connected to the radio block, the imaging device and the visual display (claims 1, 12, [008]); and program code stored within the mobile terminal, the program code operable to, using the processor, control the mobile terminal to set a display orientation for the user interface in accordance with a determined, current operating mode selected from the terminal mode and the imaging mode (claim 8, [0041], [0043] – [0044]), wherein the display orientation is selected from a first orientation normally associated with the terminal mode and a second orientation normally associated with the imaging mode (abstract, [0008], [0018], [0031] – [0032]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2687

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6, 9, 14, 17, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Enger et al. (hereinafter "Enger"; U.S. Patent Application Number 2005/0020325 A1) in view of Aoyama et al. (hereinafter "Aoyama"; U.S. Patent Application Number 2004/0027474 A1).

Regarding claims 6, 9, 14, 17 and 21, Enger discloses the invention but does not disclose that the operating mode of the mobile device is determined by the position of a lens cover associated with imaging apparatus in the mobile device.

In an analogous art, Aoyama teaches a camera equipped cellular telephone (abstract). Aoyama further teaches that the operating mode of the mobile device is determined by the position of a lens cover associated with imaging apparatus in the mobile device (abstract, [0015] – [0016], [0073] – [0074], claim 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the detection of the lens cover, as taught by Aoyama, into the system of Enger, so that the user does not have to select the different mode of operations, by selecting the camera mode by simply opening the lens cover, the user can save time.

Allowable Subject Matter

3. **Claims 27-39** are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claims 27-33** the applied references fail to disclose or render obvious the claimed limitations, specifically the apparatus and method further comprising: receiving a first user indication requesting that the image be assigned to the terminal function, the image having at least one display attribute that makes it at least in part unsuitable for use with the terminal function; altering the at least one display attribute of the image using a second user input indicating the location of a specific area of the image on a display screen so that the image is more suitable for use with the terminal function; and assigning the image to the terminal function.

Regarding **claim 34**, the applied references fail to disclose or render obvious the claimed limitations, specifically the means for receiving a first user indication requesting that the image be assigned to the terminal function, the image having at least one display attribute that makes it at least in part unsuitable for use with the terminal function; means for altering the at least one display attribute of the image using a second user input indicating the location of a specific area of the image on a display screen so that the image is more suitable for use with the terminal function; and means for assigning the image to the terminal function.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

8/30/05